

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. 03-CV-12497

PREMIER CAPITAL, LLC)

Plaintiff,)

v.)

BEVERLY JOHNSON PENZELL,)

d/b/a Law Office of Kris E. Penzell)

and BEVERLY JOHNSON)

PENZELL, as Personal)

Representative of the Estate of)

Kris E. Penzell)

Defendants.)

**AFFIDAVIT OF BEVERLY JOHNSON PENZELL AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF KRIS E. PENZELL
IN SUPPORT OF OPPOSITION TO PLAINTIFF'S MOTION TO AMEND
COMPLAINT**

I Beverly J. Penzell being duly sworn depose and say as follows:

- 1) I am the Personal Representative of the Estate of Kris E. Penzell and a defendant in the above-captioned action.
- 2) I am informed and believe that I cannot close the Estate of my late husband, Kris E. Penzell, and his Professional Association until all claims to his Estate have been resolved. This lawsuit is the only claim against his estate.
- 3) As long as the Law Offices of Kris E. Penzell, P.A. remain open, I am informed and believe, that the P.A. is required to have an inventory attorney appointed by the Court.

- 4) The allowance of the filing of the Amended Complaint will cause additional unnecessary hardship and expense to me since, I am informed and believe, that Susan Noe will resign and I will be required to retain an alternate inventory attorney.
- 5) This lawsuit has caused and continues to cause me and my family unnecessary financial and emotional hardship. In addition, I must file tax returns and incur costly professional fees as a result.

SWORN UNDER THE PAINS AND PENALTIES OF PERJURY THIS 2nd DAY OF
FEBRUARY 2005


Beverly Johnson Penzell